

MEMORANDUM

LUDC
Agenda Item No. 1(F)2

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: August 28, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to
annexation procedures; repealing
Sec. 20-3.1 of the Code, relating
to consideration of certain
annexation requests containing
enclaves

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa and Commissioner Esteban L. Bovo, Jr.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date:

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to be "Carlos A. Gimenez", written over a horizontal line.

Subject: Ordinance Pertaining to Annexation Procedures; Repealing Section 20-3.1 of the Code, Relating to Consideration of Certain Annexation Requests Containing Enclaves

The proposed ordinance pertains to annexation procedures and repeals Section 20-3.1 of the Code relating to consideration of certain annexation requests containing enclaves. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to be "Edward Marquez", written over a horizontal line.

Edward Marquez
Deputy Mayor

Fis8513



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 18, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4(F)

Please note any items checked.

- ☒ "3-Day Rule" for committees applicable if raised
- ☒ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 4(F)

6-18-13

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ANNEXATION PROCEDURES; REPEALING SECTION 20-3.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO CONSIDERATION OF CERTAIN ANNEXATION REQUESTS CONTAINING ENCLAVES; PROVIDING FOR APPLICABILITY TO ANNEXATION REQUESTS FILED WITH THE CLERK OF THE BOARD THAT HAVE NOT HAD FINAL ACTION BY THE COUNTY COMMISSION; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Code of Miami-Dade County (the "Code") provides numerous guidelines for evaluating an annexation request including, pursuant to Section 20-7(A)(1)(c) of the Code, whether the proposed annexation would create an unincorporated enclave; and

WHEREAS, no single guideline is intended to preclude an annexation; but rather, guidelines are intended to assist the Board of County Commissioners (the "Board") in making a decision on an annexation application on a case-by-case basis; and

WHEREAS, in addition, Section 20-3.1 precludes the Board from even considering an annexation application that creates an enclave and no similar prohibition exists for incorporation requests; and

WHEREAS, the Board may determine that annexation of an area or a vote to approve an annexation, notwithstanding the existence of an enclave, may be otherwise justified based on the totality of the circumstances; and

WHEREAS, annexation is a political process where the Board should retain wide discretion in exercising its decision making authority over such matters, and any arguable barriers to the Board's exercising its discretion should be eliminated,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 20-3.1 of the Code of Miami-Dade County, Florida, is hereby repealed as follows:¹

~~[[Sec. 20-3.1. Exception to filing and consideration of requests for annexation.~~

~~No proposed boundary change request shall be filed, nor shall any filed request be heard, considered, or approved, pursuant to Section 20-7 or Section 20-8 by the Board of County Commissioners when the governing body requesting the change has omitted as part of the boundary change application information on an existing enclave, as defined in Section 20-7(A)(1)(c), adjacent to the municipality's boundaries or when the boundary change application creates a new enclave.]]~~

Section 2. This ordinance shall apply to annexation requests previously filed with the Clerk of the Board for which the Board of County Commissioners has not taken final action; and such annexation requests shall not be subject to Section 20-3.1 entitled, "Exceptions to filing and consideration of requests for annexation" repealed hereby.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

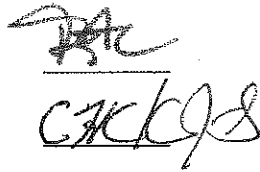
PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Craig H. Coller
Cynthia Johnson-Stacks

Prime Sponsor: Chairwoman Rebeca Sosa
Co-Sponsor: Commissioner Esteban L. Bovo, Jr.

The block contains two handwritten signatures. The top signature is in dark ink and appears to be "RAC". The bottom signature is in blue ink and appears to be "CJH/CJS".